

## Chapter 149

### SOLID WASTE

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[HISTORY: Adopted by the Town of Ellington as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Open burning — See Ch. 74, Art. II.

Parks and recreation areas — See Ch. 116.

#### ARTICLE I Recycling [Adopted effective 1-1-1991]

##### § 149-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**APARTMENT** — A building or set of buildings which contains three or more apartment units in which residents live and which is owned by a single owner (partnership or corporation).

**CARDBOARD** — Corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food, liquid or other material.

**COMMINGLED** — Source-separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

**DESIGNATED RECYCLABLE MATERIALS** — Those recyclable materials designated by the Town of Ellington to be source-separated. The term includes, but is not limited to, newspaper, glass and metal food containers, car batteries, cardboard, office paper, scrap metal, waste oil, and leaves.

**GLASS FOOD CONTAINER** — A glass bottle or jar of any size or shape used to package food or liquid products suitable for human or animal consumption.

**HAZARDOUS WASTE** — All solvents, acids, pesticides, herbicides, oils, chemicals and other toxic or hazardous materials.

**INTERMEDIATE PROCESSING CENTER** — A facility which can recycle an item or items and market or deliver for reuse the resulting material or product or products.

**METAL FOOD CONTAINER** — An aluminum, bimetal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food or liquid products suitable for human or animal consumption.

**NEWSPAPER** — Used or discarded newsprint of the type distributed daily or weekly which has a minimum of contamination by food or other material.

**OFFICE PAPER** — Used or discarded high-grade white paper and manila paper, including but not limited to paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination. Office paper generated by households is excluded.

**RECYCLABLE MATERIAL** — Materials which otherwise would become solid waste, which can be separated, collected and processed and returned to economic use in the form of raw materials or products, and shall include items listed in § 149-4A, B and C hereof.

**RECYCLING** — Any process by which materials which would otherwise become solid waste are separated, collected and processed and returned to economic use in the form of raw materials or products.

**RECYCLING CONTAINER** — Specifically marked plastic containers provided by the contractor or the Town to each dwelling unit in the Town.

**RESIDENT** — Any human being residing within the Town of Ellington on a temporary or permanent basis.

**RESIDENTIAL PROPERTY** — Property used as a place of residence by any resident.

**SCRAP METAL** — Used or discarded items made of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to white goods and metal food containers.

**SOLID WASTE** — All refuse normally placed in containers by occupants of residential, commercial and industrial property for disposal by the refuse collector or the Town.

**SOURCE-SEPARATE** — To separate recyclable materials from the solid waste stream at the point of waste generation.

**STORAGE BATTERY** — Lead acid batteries or other batteries used in motor vehicles, such as, but not limited to, automobiles, airplanes, boats, recreational vehicles, and tractors.

**WASTE OIL** — Crankcase oil that has been utilized in internal combustion engines.

**§ 149-2. Effective date.**

This article shall become effective on January 1, 1991.

**§ 149-3. Recycling program established.**

- A. Commencing on the effective date set forth above, it shall be mandatory for all residents of residential property (including condominiums and apartments) and occupants of business and industrial property and of private, public and governmental institutions and buildings to engage in recycling as provided hereafter.
- B. Materials designated as recyclable for this program in accordance with this action shall consist of the following materials:
  - (1) Newspaper.
  - (2) Glass food containers.
  - (3) Metal food containers.
  - (4) Cardboard.
  - (5) Scrap metal.
  - (6) Car batteries.
  - (7) Waste motor oil.
  - (8) Leaves.
  - (9) Other recyclable materials as designated by the Board of Selectmen of the Town of Ellington 30 days after designation and publication of notice in a newspaper of general circulation in the area.

**§ 149-4. Separation of recyclable material.**

- A. Residential property. On and after January 1, 1991, it shall be mandatory for all persons who are occupants of residential property (including condominiums) to separate cardboard, glass food containers, metal food containers, newspaper, scrap metal, storage batteries, and leaves as herein defined from all other solid waste generated by such residence for collection and ultimate recycling of said material.

- B. Business and industry. On and after January 1, 1991, it shall be mandatory for all occupants of business and industrial property and of private, public and governmental institutions and buildings (where the number of occupants exceeds one, the chief executive officer of the entity occupying said property, institution or building) to separate cardboard, glass food containers, metal food containers, newspapers, office paper, scrap metal, and leaves from all other solid waste generated by said nonresidential establishments for collection and ultimate recycling of said material.
- C. Apartments. On and after January 1, 1991, it shall be mandatory for all apartment owners or managers to separate cardboard, glass food containers, metal food containers, newspaper, office paper, scrap metal, and leaves from all other solid waste generated by the tenants of said apartments for collection and ultimate recycling of said material.
- D. Additional recyclable materials. There shall be added to the list of recyclable materials described in Subsections A, B, and C above those items which are hereafter added to the list of recyclable materials contained in Chapter 446D of the Connecticut General Statutes and the regulations of the State of Connecticut Department of Environmental Protection in accordance therewith and/or as designated by the Ellington Board of Selectmen as specified in § 149-3B(9).

**§ 149-5. Residential collection.**

- A. Containers and fees. Prior to the effective date of this article the Town will furnish each residential property with a recycling container is lost, stolen or misplaced, then a replacement container shall be furnished to the resident at the expense of the resident. If the quantity of recyclable materials separated for pickup exceeds the capacity of the container, the resident shall purchase a second container. Replacement or additional containers shall be obtained from the contractor at a price which the Selectmen establish from time to time.
- B. Transporting of recyclable materials.
- (1) The Town will contract with a licensed firm (contractor), which will pick up the recyclable material on a designated day by separating the recyclable materials and transporting said materials to the designated recycling facility.
  - (2) The contractor will leave the empty recycling container at the curbside, and the resident shall be responsible for the safekeeping of the container. This service will be provided to the residence at no additional charge.
- C. Schedule for pickup of recyclable materials.
- (1) Recycling containers. The contractor shall pick up the recyclable materials left in the containers on a weekly basis. The Selectmen shall establish a schedule for collection of said recyclable materials and shall publicly advertise said schedule.
  - (2) Batteries. Car batteries shall be delivered by the resident or owner to a central location and on the days and times established. The location and hours of operation shall be established by the Selectmen and may be changed by said Selectmen.

- (3) Scrap metal and bulky waste. Scrap metal and bulky waste shall be picked up at the curbside twice a year pursuant to a schedule published by the Selectmen.
- (4) Waste motor oil. Waste motor oil shall be transported by each resident to the Connecticut Resources Recovery Authority (CRRA) landfill during the hours established by the Selectmen.
- (5) Leaves. Leaves shall be picked up from the curbside according to a designated schedule as set forth by the Selectmen.

**§ 149-6. Nonresidential collection.**

The Town will not provide containers or pickup service for the nonresidential establishments as set forth in § 149-4B and C above. It shall be the responsibility of each of these establishments or its agent to have said recyclable material source-separated and collected and to enter into a private agreement with a contractor to have the recyclable material properly transported to the recycling facilities as later established by the Town.

**§ 149-7. Preparation of recyclables for collection.**

- A. Weekly recycling collections. The following recyclables placed by residents for collection pursuant to the program established in accordance with this article shall be prepared for collection as follows:
  - (1) Uncontaminated newspapers and cardboard shall be separated and placed into the recycling container provided by the Town or its contractor.
  - (2) Glass and metal food containers shall be separated from other refuse and placed into the recycling container. These recyclables shall be rinsed free of food contaminants. The caps, tops and rings of glass food containers shall be removed. The labels shall be removed from the metal containers.
  - (3) On the day designated for collection of the recyclable materials, each resident, including condominium owners, shall place the recycling containers at the curbside of the road fronting his residence for the purpose of permitting the contractor to collect the recyclable material.
  - (4) If the recycling container is not large enough to hold all of the materials to be recycled, any excess shall be stored in standard nonplastic grocery shopping bags or corrugated containers and placed on top of or beside the recycling container.
- B. Special recycling collections.
  - (1) Scrap metal shall be placed at the curb on a twice-a-year basis as provided by the schedule published by the Town.
  - (2) Leaves shall be picked up by the Department of Public Works during the fall pickup schedule and shall not be part of the scheduled recyclable pickup program.
- C. Recycling requiring delivery by residents.

- (1) Car batteries shall be delivered by the residents to the central collection location established by the Town during the days and times as later set by the Town.
  - (2) Waste oil shall be delivered to the CRRA landfill in a clean, leakproof, capped plastic container.
- D. All occupants of business and industrial property and of private, public or governmental institutions and buildings and apartments shall prepare recyclables for collection as follows:
- (1) The owner or occupant of business and industrial property and of private, public and governmental institutions and buildings shall separate the recyclable materials from all other solid waste and contract with an approved waste collector for the proper transporting of said recyclable materials.
  - (2) Where the building, institution or property contains two or more entities, then the chief executive officer or manager of said building, institution or property shall establish a recycling program with all occupants and contract with an approved waste collector for the collection and proper transporting of the recyclable materials.
  - (3) The owner or manager of an apartment complex shall establish with all tenants a procedure for the separation and storage of all recyclable material and shall contract with an approved waste collector for collection and proper transporting of the recyclable materials.

**§ 149-8. Waste haulers.**

- A. All waste haulers and collectors shall register with the Department of Public Works and gain Town approval for hauling recyclable material prior to any transporting or collecting of any recyclable materials. The Selectmen shall adopt and implement application forms to identify the waste hauler, his address, name of the responsible person, mailing address, telephone number, emergency telephone number, and evidence of insurance for general liability for operation of a motor vehicle and contamination resulting from improper handling of waste material in the Town.
- B. All waste haulers or collectors operating within the Town of Ellington shall notify the Town's Director of Public Works of those persons, partnerships or corporations that have discarded recyclable material as defined in § 149-3B of this article with other solid waste.
- C. No waste haulers or collectors shall knowingly mix recyclable material with other solid waste.
- D. Any waste hauler or collector who or which violates this article shall be subject to the penalties provided herein as well as those penalties provided by the Connecticut General Statutes.

**§ 149-9. Implementation.**

The Selectmen are hereby granted the authority to adopt regulations, policies or procedures to implement the following:

- A. The method and time of residential pickup of recyclable material.
- B. Amendments to the list of items subject to recycling.
- C. Changes in the location of any collection centers.
- D. Regulations to identify, qualify, and assure financial and general compliance of waste haulers with this article.

**§ 149-10. Unlawful acts; penalties for offenses.**

- A. It shall be unlawful to combine recyclable materials or hazardous wastes with refuse. Refuse which has recyclable materials commingled with it shall not be collected, and recyclable material that has refuse commingled with it shall not be collected.
- B. It shall be the responsibility of the resident to segregate properly the uncollected waste and either store or dispose of it at his own expense.
- C. Allowing refuse to accumulate shall subject a resident to a citation for violation of the Town Sanitary Code.
- D. Failure to recycle is a violation of this article.
- E. The recycling container shall be kept clean and stored in such a location as not to constitute a nuisance or otherwise be objectionable.
- F. No person having custody or control of residential premises from which recyclables are collected for disposal by the Town of Ellington shall permit or cause any recyclables within his custody or control to become a hazard to public travel, health or safety or become a nuisance of any sort.
- G. No person or corporation shall separate, recover, collect, remove, store or dispose of recyclable material within the Town of Ellington or the provisions of this article.
- H. No person, partnership, firm or corporation, other than the authorized agents of the Town or employees of the Town acting in the course of their employment, shall collect or pick up or cause to be collected or picked up such recyclable material. Each and every such collection or pickup in violation of this subsection shall constitute a separate and distinct offense.
- I. Any person, firm or corporation found guilty of a violation of any provision of this article or any of the rules and regulations promulgated pursuant hereto shall be guilty of an infraction as provided by the Connecticut General Statutes, as amended, and the fines established pursuant thereto. This article and the regulations pursuant thereto may be enforced by police officers of the Ellington Resident Trooper's Office by citation issued by the same.

- J. In addition to any other penalty provided herein, occupants of business and industrial property that is considered a commercial establishment under the provisions of Public Acts 90-249 and 90-220 shall, for a violation of this article, be subject to a penalty not to exceed \$500 for each violation as provided in said public acts.<sup>1</sup>
- K. Any person who illegally disposes solid waste at a landfill located in the Town shall be subject to the following penalties:
- (1) For the first offense, a fine of \$1,000.
  - (2) For the second offense, a fine of \$2,000.
  - (3) For the third or subsequent offense, a fine of \$3,000.

#### **§ 149-11. Severability.**

The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, said invalidity shall not offset any other provision or application of this article which can be given effect without the invalid provision or application of this article.

### **ARTICLE II Collection and Disposal [Adopted effective 7-15-1993]**

#### **§ 149-12. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**APARTMENT** — A building or set of buildings which contains four or more apartment units in which residents live in and which is owned by a single owner (partnership or corporation).

**BULKY WASTE** — Includes, but not by way of limitation, discarded large household appliances, furniture, carpets, mattresses and similar large items which cannot be placed in a covered container and which are acceptable at the Connecticut Resources Recovery Authority (CRRA) facility in Hartford.

**CARDBOARD** — Corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food, liquid or other material.

**COMMERCIAL/INDUSTRIAL PROPERTY** — Any and all property within the Town of Ellington used for any commercial or industrial purpose as defined in the Ellington Zoning Regulations as the same exist or may be amended from time to time.<sup>2</sup>

**COMMINGLED** — Source-separated, manipulatable recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

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1. Editor's Note: See C.G.S. § 22a-241i.

2. Editor's Note: See Ch. 230, Zoning.

**DESIGNATED RECYCLABLE MATERIALS** — Those recyclable materials designated by the Town of Ellington to be source-separated. The term includes, but is not limited to, newspaper, glass and metal food containers, car batteries, cardboard, office paper, scrap metal, waste oil, leaves, designated plastics and such other items designated as recyclable from time to time by CRRA.

**HAZARDOUS WASTE** — Any waste material, except by-product material, source material or special nuclear material as defined in Connecticut General Statutes § 22a-151, which may pose a present or potential hazard to human health or the environment when improperly disposed of, treated, stored, transported, or otherwise managed, including:

- A. Hazardous waste identified in accordance with § 3001 of the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 et seq.);
- B. Hazardous waste identified by regulation by the Department of Environmental Protection; and
- C. Polychlorinated biphenyls in concentrations greater than 50 parts per million (C.G.S. § 22a-115).

**INTERMEDIATE PROCESSING CENTER** — A facility which can recycle an item or items and market or deliver for reuse the resulting material, product or products.

**METAL FOOD CONTAINER** — An aluminum, bimetal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food or liquid products suitable for human or animal consumption.

**MUNICIPAL SOLID WASTE or SOLID WASTE** — Includes all putrescible and nonputrescible solid or semisolid wastes, including smattered or wet wastes with insufficient moisture and other liquid contents to be free flowing, garbage, rubbish, ashes, demolition and construction wastes and other discarded materials resulting from domestic operations and activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources. "Solid waste" shall not include or refer to bulky waste, special wastes, and recyclables.

**NEWSPAPER** — Used or discarded newsprint of the type distributed daily or weekly which has no contamination by food or other material.

**OFFICE PAPER** — Used or discarded high-grade white paper and manila paper, including but not limited to paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has no contamination. Office paper generated by households is excluded.

**RECYCLABLE MATERIAL** — Materials which would otherwise become solid waste, which can be separated, collected and processed and returned to economic use in the form of raw materials or products.

**RECYCLING** — Any process by which materials which would otherwise become solid waste are separated, collected and processed and returned to economic use in the form of raw materials or products.

**RECYCLING CONTAINER** — Specifically marked plastic containers provided by the contractor or the Town to each dwelling unit in the Town.

**RESIDENT** — Any human being residing within the Town of Ellington on a temporary or permanent basis.

**RESIDENTIAL UNIT** — Any building and/or structure, or portion thereof, which is used for residential housing purposes, irrespective of whether the resident therein is transient, temporary or permanent, and having three or fewer distinct living units. Condominium units shall be considered residential units whether or not a building or complex contains more than three units. Multifamily complexes or more than three units under a single ownership are specifically not included in this definition.

**SCRAP METAL** — Used or discarded items made of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to white goods.

**SPECIAL WASTE** — Flammable waste, countenanced waste (e.g., drum, barrel, portable tank, box, pail, etc.), waste transported in a bulk tanker, liquid waste, sludge waste, residue and debris from the cleanup of a spill or release of chemical substances, commercial products or any other special wastes, contaminated soil, waste, residue, debris and articles from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation or disposal of any other special wastes, dead animals, manure, explosive substances, radioactive materials, materials which have been exposed to highly infectious or contagious diseases, hazardous materials, tires and yard waste.

**SOURCE-SEPARATE** — To separate recyclable materials from the solid waste stream at the point of waste generation.

**STORAGE BATTERY** — Lead acid batteries or other batteries used in motor vehicles, such as, but not limited to, automobiles, airplanes, boats, recreational vehicles, and tractors.

**WASTE OIL** — Crankcase oil that has been utilized in internal combustion engines.

**§ 149-13. Effective date.**

This article shall become effective July 15, 1993.

**§ 149-14. Solid waste collection program established.**

Commencing on the effective date set forth above, the Town shall provide curbside collection of solid waste for all residents of residential property (including condominiums but excluding apartments).

**§ 149-15. Residential unit collection.**

- A. Containers. Each residential unit owner or occupant will furnish containers at his expense for collection of waste.
- B. Transporting of solid waste materials. The Town will contract with a licensed firm (contractor) which will pick up the solid waste material on a designated day and transport

said materials to the designated disposal facility or transfer station. The contractor will leave the empty containers at the curbside, and the resident shall be responsible for the safekeeping of the container.

C. Schedule for pickup of solid waste materials.

- (1) Municipal solid waste. The contractor shall pick up the solid waste materials left on a weekly basis. The Selectmen shall establish a schedule for collection of said materials and shall publicly advertise said schedule. The schedule shall be the same as used for collection of recyclables.
- (2) Bulky waste. The contractor shall pick up bulky waste once a month. The Selectmen shall establish a schedule for collection of said materials and shall publicly advertise said schedule.

**§ 149-16. Nonresidential unit collection.**

The Town will not provide collection service as set forth in § 149-15B and C above for nonresidential units or establishments. It shall be the responsibility of each of these establishments or its agent to have said solid waste material collected and to enter into a private agreement with a contractor to have the material properly transported to an approved disposal site or transfer station.

**§ 149-17. Preparation of solid waste for collection.**

- A. Weekly recycling and municipal waste collections. The following recyclables and municipal solid waste placed by residents for collection pursuant to the program established in accordance with this article shall be prepared for collection as follows:
- (1) On the day designated for collection of the solid waste materials and recyclables, each resident, including condominium owners, shall place all municipal solid waste in appropriate containers curbside or as close as practicable to the collection vehicle's route by 6:00 a.m. on the designated collection day. "Curbside" refers to that portion of the right-of-way adjacent to paved or traveled roadways.
  - (2) The contractor may decline to collect any solid waste or recyclables not so placed and not contained within bins, containers or bags or neatly bundled or bagged. Where the contractor has reason to leave solid waste uncollected at a residence, he or his agents shall inform the resident by written notice left with the uncollected municipal solid waste as to why the solid waste was not collected, i.e., contaminated with recyclables, hazardous waste, or bulky waste, unapproved containers or bundles, or improper placement, etc.
- B. Special waste. The contractor is not required to provide such collection, transportation and disposal services for special wastes if contracted to do so by customers under separate written contracts negotiated between the contractor and the customer generating such special waste.

**§ 149-18. Waste haulers.**

- A. All waste haulers and collectors of any type of solid waste, special waste, bulky waste or recyclable waste shall register with the Department of Public Works and gain Town approval for hauling material prior to any transporting or collecting of any materials. The Selectmen shall adopt and implement application forms to identify the waste hauler, his address, name of the responsible person, mailing address, telephone number, and evidence of insurance for general liability for operation of a motor vehicle and contamination resulting from improper handling of waste material in the Town. A fee for such registration shall be set by the Board of Selectmen.
- B. No waste hauler or collector shall knowingly mix recyclable material or special waste with other solid waste.
- C. Any waste hauler or collector who or which violates this article shall be subject to the penalties provided herein as well as those penalties provided by the Connecticut General Statutes.

**§ 149-19. Implementation.**

The Selectmen are hereby granted the authority to adopt regulations, policies or procedures to implement the following:

- A. The method and time of residential pickup of waste material.
- B. Amendments to the list of items included within any category or definition of waste.
- C. Changes in the location of any collection centers.
- D. Regulations to identify, qualify and assure financial and general compliance of waste haulers with this article.
- E. Setting fees payable by each residential unit owner to cover the cost of this service and prescribing the methods of billing and collection.
- F. Any claim or debt due for such a service charge shall bear interest from the due date at the rate and in the manner provided by the General Statutes for delinquent property taxes if such service charge is not paid within 30 days of the due date. Each addition of interest shall be collectible as a part of such service charge. Any such charge which has become delinquent shall constitute a lien upon the property against which the charge was assessed and may be collected by the Collector of Revenue or other person designated by the Board of Selectmen in accordance with the provisions of the General Statutes for the collection of property taxes. Each such lien may be continued, recorded and released in the manner provided by the General Statutes of the State of Connecticut for continuing, recording and releasing tax liens. Each such lien shall take precedence over all other liens and encumbrances, except taxes, and may be foreclosed in the same manner as a lien for property taxes. Any such charge may also be collected by the Town against the property owner in an action at law, together with the cost of collecting the same. **[Added 1-29-2007, effective 10-15-2007]**

**§ 149-20. Unlawful acts; penalties for offenses.**

- A. It shall be unlawful to combine recyclable materials or hazardous wastes with solid waste refuse. Solid waste which has recyclable materials commingled with it shall not be collected, and recyclable material that has refuse commingled with it shall not be collected.
- B. It shall be the responsibility of the resident to segregate properly the uncollected waste and either store or dispose of it at his own expense.
- C. Allowing refuse to accumulate shall subject a resident to a citation for violation of the Sanitary Code as enforced by the North Central Health Agency.
- D. The waste containers shall be kept clean and stored in such a location as not to constitute a nuisance or otherwise be objectionable.
- E. No person having custody or control of residential premises from which municipal solid waste is collected for disposal by the Town of Ellington shall permit or cause any waste within his custody or control to become a hazard to public travel, health or safety or become a nuisance of any sort.
- F. No person or corporation shall separate, recover, collect, remove, store or dispose of any waste material within the Town of Ellington, except as specifically authorized by the Town of Ellington or the provisions of this article or related ordinances.
- G. Any person, firm or corporation found guilty of a violation of any provision of this article or any of the rules and regulations promulgated pursuant hereto shall be guilty of an infraction as provided by the Connecticut General Statutes, as amended, and the fines established pursuant thereto. This article and the regulations pursuant thereto may be enforced by police officers of the Ellington Resident Trooper's office by citation issued by the same.
- H. Any person who illegally disposes of bulky, hazardous, special and/or solid waste at a location in the Town of Ellington except as permitted under this article shall be subject to the following penalties:
  - (1) For the first offense, a fine of \$1,000.
  - (2) For the second offense, a fine of \$2,000.
  - (3) For the third offense, a fine of \$3,000.

**§ 149-21. Severability.**

The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, said invalidity shall not offset any other provision or application of this article which can be given effect without the invalid provision or application of this article.